

REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application. Claims 1, 2, 7, 11, and 33-54 are amended. Claims 1-13 and 33-56 are pending.

Double Patenting

Applicant respectfully requests that the double patenting rejection be held in abeyance until the other rejections are withdrawn at which time, if still applicable, it will be addressed.

Specification and §101 Rejection

The specification was objected to for support of “one or more computer readable tangible media”. *See Office Action, Page 4.* Additionally, claims 33-43 were rejected under 35 U.S.C. §101 because the Examiner asserted that the Applicant’s specification does not limit the embodiments of a computer readable medium. It is respectfully submitted that this is not the standard for §101. Regardless, support for an “article of manufacture” as currently amended may be found throughout the specification and drawings as filed. For example, paragraph [0057] of the specification recites that “a personal computer (PC) can take on the role of a client or server (or central server) or even both client and server” and thus inherently provides support as a personal computer includes an article of

manufacture that includes bus is not limited to a signal bearing medium.
Withdrawal of the objection and the rejection is respectfully requested.

§112 Rejection

Claims 7 and 39 have been amended to correct the dependency “said plurality of contact information.” Withdrawal of the rejection is respectfully requested.

§§102 and 103 Rejections

Claims 1, 2, 4-13, 33, 34, 36-45, and 47-56 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,584,564 to Olkin et al (hereinafter “Olkin”). Claims 3, 35, and 46 are rejected under 35 U.S.C. §103 as being obvious over Olkin. The Applicant respectfully disagrees and reserves the right to challenge the use of Olkin as a reference at a later time.

The Examiner asserts in the Office Action dated December 23, 2008 (hereinafter “Office Action”) that “if said first user will accept said communication, establishing a direct link between said first client machine and said second client machine to deliver said communication in which said direct link: if established is configured such that said communication is not delivered through said discovery machine; and is not established if said first user will not accept said communication (fig. 1, reference no. 38 and 40).”

However, Olkin states the following with respect to the asserted reference numbers.

In a stage 38 the sending unit 18 sends the now encrypted secure e-mail 14. This can be essentially transparent or seamless to the sender 12, being handled in the software module 26 of the sending unit 18 by passing the now encrypted secure e-mail 14 to a conventional e-mail type application and automatically providing a suitable "Send" command. The secure e-mail 14 then proceeds in conventional manner to the e-mail server 22, arriving in the inbox of each of the target receivers 16. Notably, the body of the secure e-mail 14 is encrypted during the entire time that it is passing between the sending unit 18 and the receiving units 20. Optionally, the subject may also be encrypted during this time.

In a stage 40 the secure e-mail 14 arrives in the inbox of each receiver 16. When a receiver 16 opens the secure e-mail 14, using their receiving unit 20, the software module 26 for the receiving unit 20 detects that the secure e-mail 14 is encrypted. Depending upon its configuration, the software module 26 can then prompt the receiver 16 for a password or use one already known to it. *See Olkin, Col. 6, line to Col. 7, Line 14.*

Thus, as shown above Olkin (in the above excerpt and elsewhere) merely describes delivery of an encrypted email. However, claim 1 as amended recites in part “if said first user will accept said communication, establishing a direct link between said first client machine and said second client machine to deliver said communication in which said direct link ... and wherein no direct link is established if said first user will not accept said communication” which is not disclosed by Olkin. Rather, Olkin describes delivery of an encrypted secure e-mail that “proceeds in a convention manner to the e-mail server 22, arriving in the inbox of each of the target receivers 16” regardless of whether a **user** will accept the message.

Claims 2-13 depend either directly or indirectly from claim 1 and are allowable as depending from an allowable base claim. Each of the dependent claims is allowable based at least on the same rationale discussed with respect to claim 1. These claims are also allowable for their own recited features which, in combination with those recited in claim 1, are neither shown nor suggested in the references of record, either singly or in combination with one another. Withdrawal of the rejections is respectfully requested.

For example, **Claim 4** recites “wherein a new direct link is established between said second client machine and said first client machine to communicate a new communication.” However, the Examiner asserts that “each successive communication requires a new link.” *See Office Action, Page 7.* This is not true

and the Applicant respectfully requests that the Examiner provide support for this statement or withdraw the rejection.

In another example, **Claim 11** recites “wherein a one-directional communication link is established to said third user when at least one of said first and said second user replies to said new communication and wherein said one-directional communication link allows said third user to send a future communication directly to said first or second user.” In rejecting this claim, the Examiner asserts “(fig. 1, sender and receiver; 10:4-10, a message can be sent either securely [i.e. via the security server] or by conventional means).” *See Office Action, Page 8*. The asserted portion of Olkin does not describe a link nor direct communication. Accordingly, the Applicant respectfully requests that the Examiner provide support for this assertion or withdraw the rejection.

Regarding **Claims 33, 34-43, 44, and 45-56** the Examiner asserted that these claims are rejected for the same reasons set forth in the rejections of claims 1, 2, and 4-13. Although the Applicant respectfully disagrees, the Applicant will not further burden the record as these claims are allowable for based on similar reasoning to that described above, as well as for other reasons. Withdrawal of the rejection is respectfully requested.

35 U.S.C. § 103(a) Rejection

Claims 1-4, 6-8, 13, 33-36, 38-40, 44-47, 49-51, and 56 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,054,019 to

Mathis et al. (hereinafter “Mathis”) in view of U.S. Patent No. 6,941,148 to Hansmann et al. (hereinafter “Hansmann”). The Applicant respectfully traverses the rejection and reserves the right to challenge use of the asserted references by the Examiner at a later time, such as to antedate the references.

In rejecting claim 1, the Examiner first asserts Mathis. However, Mathis merely describes a first node and a second node, and does not teach or suggest a third device such as the discovery machine as recited in Claim 1. Because of the lack of teaching or suggestion of a third device, Mathis is merely relied upon to support communication between a first and second node:

In some situations, it is necessary for a local node to be able to transmit data to and receive data from a remote node in a single transaction. This prevents interference from third party nodes during the time between closing of a transmission link in one direction and initiating a new link in the other direction. *See Mathis, Col. 1, Line 51-55.*

Thus, the expressed purpose of Mathis is to provide for communication between two devices in a single atomic link that does not involve any other devices. Accordingly, Mathis cannot be said to teach or suggest a system having more than two devices or be utilized in combination with another such reference as such a modification would destroy the intent of Mathis.

The Examiner then correctly asserts the following:

Mathis does not disclose the first user and the second user registering with a discovery machine, wherein the discovery machine is coupled to the network; wherein the communication is initiated via the discovery machine; the discovery machine determining that the first user will accept the communication; the discover machine establishing a

direct link between the first client machine and the second client machine; wherein at least one of the first user and the second user maintains a plurality of contact information; wherein an individual entry in the plurality of contact information is automatically updated when an associated user of the individual entry updates a corresponding entry locally at a client machine of the associated user; wherein a third user can initiate a new communication to at least one of the first and the second user via a web page interface coupled to the discovery machine; wherein the discover machine is a central server. *See Office Action, Pages 11-12.*

To correct these defects, the Examiner now offers the following assertions to support a rejection using Hansmann as follows:

Hansmann discloses a network comprising mobile devices (the second client machine), a DRS (the discovery machine) and a number of backend systems (the first device) on a TCP/IP network; the DRS incorporates a list of backend systems by which a registered user device can connect to a backend system. Col. 2:40-55 and lines 65-67; fig. 3. When a mobile device sends a request to the DRS to access a backend system, the DRS connects to the backend system defined by the selected application. Col. 5, line 42-col. 6, line 46; Fig. 2 and 3. Hansmann further discloses an embodiment where after the initial connection is made by the DRS, a direct link is then established between the client and the backend system. Col. 3, lines 24-38.

The following excerpt is taken from one of the portions of Hansmann that is referenced to support the rejection:

Behind a specific WAP phone item the URL of a travel agency's device registry server is stored. On a double click of this item, step 303, the PVD connects to the DRS, step 305. In a first message the device ID and an application ID as well as a download-desired flag is transmitted to the DRS. Thus, in a step 310 the DRS can identify the calling device and can check if said device is supported, which leads to a decision 315.

If it is not supported the server issues back a "not-supported" message, step 320 and disconnects the communication line, step 325 whereby the desired business process must be finished unsuccessfully, step 330. *See Hansmann, Col. 5, Lines 54-65.*

As shown above, the Examiner asserts the mobile device of Hansmann as a second client machine, the DRS as the discovery machine, and the backend system as the first device. In the above excerpt, Hansmann relies on a check to see "if said device is supported" and thus following the Examiner's assertions it is the backend system of Hansmann that should be checked to see if the device is supported. However, as shown in the above excerpt it is the calling device (i.e., the mobile device) that is actually checked in Hansmann. For example, as stated in Hansmann "in a step 310 the DRS can identify the calling device and can check if said device is supported, which leads to a decision 315." *See Hansmann, Col. 5, Lines 58-60.* Thus, it is respectfully submitted that the assertion made by the Examiner is inconsistent as to which actors perform which actions and thus does not support a rejection of the claims. For example, the Examiner's assertion requires that the mobile device of Hansmann that requests the applications also be checked to determine whether the mobile device support the application." Mathis does not correct this defect, alone or in combination with Hansmann.

Regardless, it is also respectfully submitted that the Examiner has not provided support for teaching or suggestion of "determining by said discovery machine whether a first user associated with a first client machine will accept a communication initiated by a second user associated with a second client machine" as recited by claim 1. Rather, as shown above the Examiner asserts "device support" in Hansmann. Therefore, in Hansmann the application is

communicated regardless of whether a user will accept the application if the application is supported by the mobile device. Mathis does not correct this defect, alone or in combination. Therefore, it is respectfully submitted that a *prima facie* case of obviousness has not been established and withdrawal of the rejection is respectfully requested.

Claims 2, 4, 6-8 and 13 depend either directly or indirectly from claim 1 and are allowable as depending from an allowable base claim. Each of the dependent claims is allowable based at least on the same rationale discussed with respect to claim 1. These claims are also allowable for their own recited features which, in combination with those recited in claim 1, are neither shown nor suggested in the references of record, either singly or in combination with one another.

For example, **claim 3** recites, “The method as recited in claim 1, wherein if said first user is not available to receive said communication, said communication is stored by said discovery machine until said first user becomes available”. In rejecting claim 3, the Examiner asserts that in addition to claim 3 being unpatentable over Mathis in view of Hansmann, Hansmann also:

...discloses that the registry server establishes a connection to the backend system through its backend router, wherein the router holds tables which define on which backend system the required application is installed. It is further notoriously well known in the art for routers to implement queuing disciplines; for example in the event that a destination is not available, a router implementing a fair queuing technique will queue the flow directed to a nonresponsive destination. Official notice of this teaching is taken. *See Office Action, Page 10.*

The cited portion of Hansmann is, “Then, the Registry Server establishes a connection to the backend system via its backend router. The router holds tables that define on which backend system the required application is installed.” *See Hansmann, Col. 3, Lines 38-43.* Hansmann merely describes the storage of data and tables, and not actual communication that has yet to be delivered. In essence, the storage of data and tables in Hansmann is described as a kind of map for finding installed applications. Additionally, as stated above this communication is prefaced on support of the application, not acceptance of the application by a user. Withdrawal of the rejection is respectfully requested.

Regarding **Claims 33, 34-43, 44, and 45-56** the Examiner asserted that these claims are rejected for the same reasons set forth in the rejections of claims 1, 2, and 4-13. The Applicant respectfully disagrees. However, these claims are allowable for based on similar reasoning to that described above, as well as for other reasons. Withdrawal of the rejection is respectfully requested.

Respectfully Submitted,

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